

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIMITRI BERNARD ROBINSON,

Petitioner,

Case No. 2:20-CV-12083
Honorable Linda V. Parker

v.

GREGORY SKIPPER,

Respondent.

**OPINION AND ORDER DENYING PETITIONER’S MOTION FOR
RECONSIDERATION AND MOTION FOR CERTIFICATE OF
APPEALABILITY**

Petitioner Dimitri Bernard Robinson filed an application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1), which this Court denied in an opinion and order on December 19, 2022 (ECF No. 13). The Court also denied Petitioner a certificate of appealability but granted him leave to proceed in forma pauperis. (*Id.*) Petitioner now seeks a certificate of appealability (“COA”) and reconsideration. (ECF Nos. 15, 16.) Petitioner represents that he did not receive the Court’s December 19 decision until January 5 (according to his motion for a COA) or 8 (according to his motion for reconsideration). Putting aside any question regarding the timeliness of Petitioner’s motions, the Court concludes that they lack merit and therefore is denying both.

In his motion for reconsideration, Petitioner contends that the Court failed to consider evidence he submitted to support his claims and erred in evaluating his illegal arrest claims. This Court's evaluation of Petitioner's claims, however, was limited to the record before the State court, *see Cullen v. Pinholster*, 563 U.S. 170, 181 (2011), and the role of a habeas court is not to reevaluate the evidence but assess whether the State court unreasonably applied clearly established Supreme Court precedent or was based on an unreasonable determination of the facts in light of the evidence presented to the State courts, *see* 28 U.S.C. § 2254(d). Petitioner fails to demonstrate that this Court's assessment of the State court's decision was in error.

This Court already concluded that a COA should not issue and Petitioner also fails to show that this decision was incorrect.

Accordingly,

IT IS ORDERED that Petitioner's motion for certificate of appealability and motion for reconsideration (ECF Nos. 15, 16) are **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 17, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 17, 2023, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan

Case Manager